

Remarks

Claims 17-21, 23-27, 29-33 and 35-43 are withdrawn from consideration. Claim 28 has been allowed. Claims 16, 22, 28, 34 and 44 are pending in the application. Claim 44 has been amended to depend on claim 28.

Claim 44 further defines the beta crystal form of 4-(4-methylpiperazin-1-ylmethyl)-N-[4-methyl-3-(4-pyridin-3-yl)pyrimidin-2-ylaminophenyl]benzamide as defined in claim 28.

Applicants respectfully request that the 35 U.S.C. 112, first paragraph be withdrawn.

The present invention relates to the treatment or prevention of restenosis comprising the compounds of the present invention as defined in claims 16, 22, 34 and 44. A person of ordinary skill in the art at the time of the invention would not have been motivated by the teachings of U.S. Patent No. 5,521,184, alone or in combination with Bilder et al. to make the claimed invention.

U.S. Patent No. 5,521,184 describes N-phenyl-2-pyrimidine-amine derivatives. There is no suggestion or motivation in U.S. Patent No. 5,521,184 to use the compounds of the present invention for the treatment or prevention of restenosis. The indications generally described in U.S. Patent No. 5,521,184 do not include restenosis. There is no suggestion or motivation in U.S. Patent No. 5,521,184 or in the knowledge generally available to one of ordinary skill in the art to treat or prevent restenosis comprising the compounds described in U.S. Patent No. 5,521,184. A person of ordinary skill in the art would not be motivated based on the general description in U.S. Patent No. 5,521,184 to prepare compounds of the present invention for the treatment or prevention of restenosis. Furthermore, U.S. Patent No. 5,521,184 does not teach the claimed limitations defined in claim 34. More specifically, U.S. Patent No. 5,521,184 does not teach or suggest a method of treating or preventing restenosis comprising the alpha crystal form of 4-(4-methylpiperazin-1-ylmethyl)-N-[4-methyl-3-(4-pyridin-3-yl)pyrimidin-2-ylaminophenyl]benzamide.

Bilder et al. do not correct the deficiencies of U.S. Patent No. 5,521,184. Bilder et al. generally describe numerous compounds with varying chemical structures as being useful in various indications including, but not limited to, restenosis. Bilder et al. do not teach or suggest compounds having the same chemical structure as the compounds defined in the claims of the present invention. Furthermore, Bilder et al. does not teach or suggest the free form, pharmaceutically acceptable salt form or polymorphic forms of the compounds of the present invention. Therefore, a person of ordinary skill in the art would not have been motivated based on the teachings of U.S. Patent No. 5,521,184, alone or in combination with Bilder et al., to treat

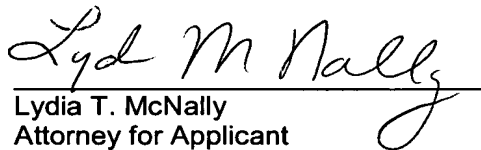
or prevent restenosis comprising the free form, pharmaceutically acceptable salt form or the alpha crystal form of the compounds of the present invention.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Entry of this Response is respectfully requested.

Respectfully submitted,

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